

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID R. MENDOZA,  
  
Defendant.

No. CR06-0466 TSZ

UNOPPOSED MOTION TO  
CONTINUE DEADLINE FOR  
DEFENDANT TO FILE RESPONSE

NOTE ON MOTION CALENDAR:  
JUNE 19, 2009

COMES NOW Defendant David R. Mendoza, by and through his attorneys, Colette Tvedt and Jeffery P. Robinson of Schroeter, Goldmark & Bender, and submits this unopposed motion to continue the deadline for Mr. Mendoza to file a response to the Government's Motion for Rule 15 Deposition (Dkt. No. 33) from June 12 to June 26, 2009, or five (5) court days after Mr. Mendoza's anticipated change of plea.

Counsel for Plaintiff United States of America, Assistant United States Attorney Susan Roe, does not oppose this motion.

This motion is made on the following grounds:

At the status conference on June 8, 2009, the Court granted Mr. Mendoza's motion to continue the trial date from June 29, 2009, to September 8, 2009, and rescheduled the pretrial conference to August 24, 2009. In addition, the Court directed the Government to file a

pleading within three (3) days of the status conference as to whether or not the Department of Justice had given consent to the Rule 15 deposition of Timothy Smith,<sup>1</sup> and directed Mr. Mendoza to file a response, if any, to the Rule 15 deposition by June 12, 2009.

Further, pursuant to the Court's referral, a settlement conference was held on June 9, 2009, and the parties were able to reach what they believe to be a resolution. A change of plea hearing is tentatively scheduled for Friday, June 19, 2009. This resolution obviates the need for the Rule 15 deposition. Therefore, Mr. Mendoza asks that the date for his response be extended until after the plea date, to Friday, June 26, 2009, or to five (5) court days after the change of plea hearing (in case the current tentative date is rescheduled).

Given the continuance of trial to September 8, 2009, granting of this motion to continue Mr. Mendoza's deadline to respond to the Rule 15 deposition will not affect the trial date.

A proposed order is attached to this motion.

DATED this 12th day of June, 2009.

Respectfully submitted,

s/ Colette Tvedt

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<sup>1</sup> The Government complied with the Court's direction by filing a clarification on June 11, 2009 (Dkt. No. 37).

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the United States of America, Assistant United States Attorneys Susan Roe and Roger Rogoff.

s/ Andrea Crabtree

ANDREA CRABTREE

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